

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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ELOUISE PEPION COBELL, et al.,

Plaintiffs,

v.

DIRK KEMPTHORNE, Secretary of the  
Interior, et al.,

Defendants.

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Civil Action No. 96-1285  
(Judge Robertson)

**DEFENDANTS' NOTICE TO THE COURT OF EVENTS  
RELATED TO INFORMATION TECHNOLOGY ("IT") SECURITY  
OF THE DEPARTMENT OF THE INTERIOR**

By this notice, Defendants advise the Court that the Department of the Interior's Bureau of Land Management ("BLM") intends to connect the Non-Indian Well Information System ("NIWIS"), a stand-alone subsystem of the Non-Indian Automated Fluid Minerals Support System ("NIAFMSS"), to the Internet.

In April 2005, portions of the BLM's IT system, which had reconnected to the Internet under the terms of the "Consent Order" of December 17, 2001, were voluntarily disconnected from the Internet after the results of certain external penetration testing were made known to BLM. In the "Declaration of Ronnie Levine in Support of Defendants' Opposition to Plaintiffs Consolidated Motion for Temporary Restraining Order and Preliminary Injunction" ("Levine Declaration") (Docket No.2933, April 18, 2005), the Court was informed that certain file servers housing or accessing individual Indian trust data ("IITD"), referred to as "the Trust Servers," were disconnected from the rest of the BLM IT network (and the Internet). Further, BLM represented to the Court that the Trust Servers would not reconnect to the BLM IT network until

certain steps were completed, including a determination by the Office of the Inspector General that “potential vulnerabilities have been adequately addressed.” Levine Declaration at ¶ 10.

In 2005, the Automated Fluid Minerals Support System (“AFMSS”), including the Well Information System (“WIS”), contained both IITD and non-IITD and was disconnected from the BLM IT network as a Trust Server. However, BLM removed all IITD from the system now called NIAFMSS and its subsystem NIWIS (the IITD is now contained on the Indian Automated Fluid Minerals Support System, IAFMSS, which is excluded from the subject of this notice). The “non-Indian” systems, NIAFMSS and NIWIS, are no longer included within the category of Trust Servers. BLM verified that the non-Indian systems do not contain IITD and that the NIWIS subsystem is secure. See Declaration of Scott MacPherson, attached as Exhibit A.

Dated: July 30, 2007

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General

J. CHRISTOPHER KOHN  
Director

/s/ Glenn D. Gillett  
ROBERT E. KIRSCHMAN, JR.  
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CERTIFICATE OF SERVICE

I hereby certify that, on July 30, 2007 the foregoing *Defendants' Notice to the Court of Events Related to Information Technology ("IT") Security of the Department of the Interior* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*)  
Blackfeet Tribe  
P.O. Box 850  
Browning, MT 59417  
Fax (406) 338-7530

/s/ Kevin P. Kingston  
Kevin P. Kingston

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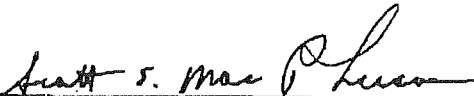
DECLARATION OF SCOTT MACPHERSON

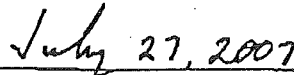
1. I am the Deputy Chief Information Officer for the Bureau of Land Management, United States Department of the Interior ("BLM"). One of my responsibilities in this capacity is oversight of BLM's adherence to applicable Department of the Interior policies and directives governing the use of information technology.
2. BLM has a national information technology system known as the Automated Fluid Minerals Support System (AFMSS), which is an inspection and enforcement workload support system for fluid minerals management. AFMSS was originally comprised of 31 individual databases, 10 of which included Indian trust data. AFMSS was voluntarily disconnected by BLM from the Internet on April 8, 2005. This action was taken on the basis of results of external penetration testing conducted by the Office of the Inspector General of the Department of the Interior.
3. Subsequently AFMSS was divided into databases containing Indian trust data, known as Indian AFMSS ("IAFMSS"); and databases that did not include Indian trust data, known as non-Indian AFMSS ("NIAFMSS"). Although NIAFMSS was reconnected to the Internet on September 9, 2005, IAFMSS remains disconnected.
4. The Well Information System (WIS) is a subsystem of AFMSS comprised of web-based well permit and report forms and a database of information about onshore oil and gas wells. WIS was used extensively by oil and gas operators before being disabled by the Department of the Interior in March of 2005 while security boundaries were being established for the purpose of Certification and Accreditation ("C&A"). A C&A ensures that appropriate management controls in

accordance with the Federal Information Security Management Act are in place for a particular system.

5. In 2006 BLM reconfigured WIS to exclude Indian trust data, creating the non-Indian Well Information System, or NIWIS. NIWIS has never been connected to the Internet.
6. NIWIS received its current C&A on October 18, 2006.
7. Oil and gas companies which operate on federal land need access to NIWIS in order to submit applications for well permits, production data, and other information electronically to BLM. These operators have been adversely impacted by lack of that access.
8. BLM's productivity and service has also been adversely impacted by the oil and gas operators' lack of Internet access to NIWIS.
9. On November 16, 2006, a security vulnerability assessment was performed on NIWIS by an independent contractor, RCI Technology, Inc. The assessment demonstrated that the NIWIS is appropriately secure.
10. Reconnection of the NIWIS to the Internet is vital to the federal oil and gas program and must be accomplished in order for BLM to comply with the Energy Act of 2005.

I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Scott MacPherson  
Deputy Chief Information Officer  
Bureau of Land Management

  
\_\_\_\_\_  
Date